

HOUSE BILL 3043

By Elam

AN ACT to amend Tennessee Code Annotated, Section 13-7-208, relative to nonconforming uses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 13-7-208(g), is amended by deleting subdivision (4) in its entirety and by substituting instead the following language:

(4) The reactivation of the non-conforming use any time prior to the end of the thirty-month period. The governmental entity with jurisdiction must establish the beginning and the ending date of the thirty-month continuous period by evidence of abandonment. Credible evidence of abandonment adduced by the governmental entity creates a rebuttable presumption of abandonment for the prescribed period. Evidence of abandonment includes, but is not limited to the following:

- (A) Utility connection information;
- (B) Deteriorating structures;
- (C) Information indicating vacancy or change in use;
- (D) Information indicating lack of ownership activity reactivating the non-conforming use relative to the property;
- (E) Dated pictures indicating abandonment of the non-conforming use; or
- (F) Affidavits of local government officials indicating that the non-conforming use has been abandoned.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.